

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAVID D LEWIS,

Plaintiff,

v.

BELINDA STEWART et al.,

Defendants.

CASE NO. 3:20-cv-05248-DGE-TLF

ORDER ADOPTING REPORT AND
RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of the Honorable Theresa L. Fricke, United States Magistrate Judge (Dkt. No. 38). Plaintiff brings an action under 42 U.S.C. § 1983 alleging violations of his First, Eighth, and Fourteenth Amendment rights, as well as his rights under the Religious Land Use and Institutionalized Persons Act (RLUIPA). The Court previously dismissed Plaintiff's First Amendment claims with prejudice (Dkt. No. 32). Defendants filed a supplemental motion for summary judgment pertaining to Plaintiff's remaining claims (Dkt. No. 34). Because Plaintiff has failed to provide sufficient evidence to support his claims under the Eighth Amendment, the Fourteenth Amendment, and RLUIPA, the

1 Report and Recommendation suggests granting Defendants' supplemental motion for summary
2 judgment.

3 The Report and Recommendation also recommends that *in forma pauperis* status should
4 be revoked in the event of any appeal. However, Plaintiff paid the filing fee and was never
5 granted *in forma pauperis* status.

6 The Court having considered the Report and Recommendation and the remaining record,
7 and no objections having been filed, does hereby find and order as follows:


8 (1) The Report and Recommendation (Dkt. No. 38) is ADOPTED except for the
9 recommendation to revoke the *in forma pauperis* status as such recommendation is not
10 applicable;

11 (2) Defendants' supplemental motion for summary judgment (Dkt. No. 34) is GRANTED;
12 and

13 (3) Plaintiff's complaint is DISMISSED with prejudice.

14 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to
15 any party appearing pro se at said party's last known address.

16 DATED this 9th day of November 2021.

17
18 
19 _____
20 David G. Estudillo
21 United States District Judge
22
23
24